

MINUTES – DECEMBER 12, 2024

Vice Chairman Coiro called the Planning Board meeting of Thursday, December 12, 2024, to order at 7:30 p.m. for the Borough of Totowa.

**PRESENT:**

Commissioner Niland	Commissioner Murphy	Commissioner Sabatino
Vice Chairman Coiro	Mayor Coiro	Commissioner Coyle
Paul Danner, ESQ	Mike Cristaldi, PE	Tom Czerniecki, Planner

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 12th day of December 2024 is in accordance with the Schedule of Annual Notice, which is posted, and in accordance with Chapter 231 P.L. 1975 of the State of New Jersey. The agenda for this meeting has been prepared and distributed to the members of the Planning Board, posted on the Borough's website and a copy has been on file in the Construction Official's Office. The Planning Board Agenda has also been posted on the entrance doors to the Municipal Building including the entranceway for handicapped individuals.

***Flag Salute***

***ITEM #1***

LRF3 NJ 1Commerce Way, LLC 1 Commerce Way	Block 166.03 – Lot 13	Amended Site Plan Approval Certificate of Occupancy
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Vice Chairman read a letter from the Attorney requesting this matter be carried to the January 9<sup>th</sup> Planning Board meeting at 7:30 pm.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to carry this matter to the regular Planning Board meeting of January 9, 2025.

Six agreed to a roll call vote... 6-0

***ITEM #2***

Totowa RX 157 Union Blvd.	Block 38 – Lot 1.01	Minor Site Plan Approval Certificate of Occupancy
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Dr. Jabeen Ahmed, principal of Applicant, appeared requesting the approval of 1,100 square feet of space to operate an independent retail community pharmacy with extensive community service and outreach. It will offer medications as well as vaccines and durable medical equipment. Dr. Ahmed has worked in Paterson, New Jersey, for thirty years, and sits on the State Board of Pharmacy.

The Applicant seeks to operate the business Monday through Friday, 9:00 a.m. to 7:00 p.m. and on Saturdays from 7:00 a.m. to 4:00 p.m. There will be a total of four employees and four parking spaces have been allocated.

The Applicant plans to offer “fast track” service to customers as well as a more traditional service that will allow customers to interact with the pharmacist(s), such as Dr. Ahmed, who will provide one-on-one service. The Applicant will store and maintain narcotics on-site in a locked safe. The space will have cameras for security purposes.

Dr. Ahmed plans to keep an awning on the exterior of the building consistent with the nature and size of the existing awning. It will be green and beige and will not be backlit. Applicant testified that it would comply with the Town’s signage requirements.

Dr. Ahmed further testified that the State must inspect and issue a permit for the business before it can be operational. Applicant must also register with the Federal Drug Enforcement Agency. Dr. Ahmed acknowledged and agreed that such requirements would be satisfied before the business is open to the public.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to approve the site plan for occupancy as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The construction of internal partitions, exits, entrances and fire safety devices are subject to and requires the approval of the fire sub-code official, the fire inspector, and the building inspector.
2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief pertaining to all alarms and security devices.
3. There will be no outside storage of equipment or materials on the premises.
4. The Applicant will register with the DEA and comply with all its requirements for the medicinal drugs and narcotics stored on the premises. Narcotics on the premises will be in a locked safe.
5. The Applicant will obtain all requisite governmental permits, inspections, and approvals including but not limited to from the New Jersey Board of Pharmacy, as testified to during the Hearing.

Six agreed to a roll call vote... 6-0

**ITEM #3**

Wise of North Jersey, Inc.  
70 Maltese Drive

Block 154 – Lot 10.04

Minor Site Plan Approval  
Certificate of Occupancy

Mr. Lee To, Branch Manager for the Applicant appeared requesting approval for occupancy for a Warehouse Distribution center.

Planning Board Attorney informed the applicant that because the applicant is a corporation, it must be represented by legal counsel.

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Niland to carry this matter to the next regular Planning Board Meeting of January 9, 2025, at 7:30p.m.

Six agreed to a roll call vote... 6-0

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy to excuse Commissioner Sabatino from the next application.

All in favor.....5-0

**ITEM #4**

Sycamore Data Center  
1000 Cloud Drive

Block 154 – Lot 10.04

Preliminary & Final Site Plan  
Approval

Ms. Lisa John-Basta, attorney for the applicant appeared providing an overview of testimony provided at the November 14<sup>th</sup> Planning Board Meeting. The Preliminary & Final Site Plan approval is for a redesign of the expanded configuration of the prior 2017 approved Data Center. Ms. John-Basta indicated that there will be no change to the employee headcount nor any parking spaces. The completed build-out will require the addition of 16 generators for a total of 32 generators for the entire project. Ms. Lisa John-Basta explained the remaining build-out would be in two phases, referred to as “Phase 3” and the “Full Build-Out”, each requiring Planning Board approval.

David Snider, licensed architect, testimony about the Phase III construction and Full Build-Out. He stated that the site is 56.66 acres. Phase III would add 43,496 square feet, bringing the total square footage to 235,642. The parapet walls of the new section of the structure would range between 41-43 feet with a screen wall above raising the overall height to 50 feet. Drawings AS-02, AS-03, and A-2005 were discussed. As for the Full Build-Out, it would increase the square footage to 307,818 and add 16 generators for a total of 32 on the premises. It would also be a two-story addition.

Jeff Babich, an acoustic engineer for 22 years, testified that his company, Babich Acoustics, performed noise modeling of the existing site and compared the results to the New Jersey State Administrative Code. The maximum permitted decibel during the day is 65, and 50 at night. Mr. Babich testified that based on such modeling, the noise at the premises would be within the standard after Phase III and after Full Build-Out, including when 32 generators were operational at the site. When questioned by the Board, Mr. Babich testified that the testing was performed at the property line(s) when only two generators were running for a period of thirty (30) minutes. He found that the decibels when the generators were running were less than the ambient background noise in the area (46 decibels vs. 49 decibels). At the request of the Board, Applicant agreed to perform post-construction noise surveys after any subsequent construction to confirm that the site remained within the permissible limit(s).

Robert Foley, Engineer, discussed new drawings submitted by Applicant including C-020, which shows the Phase III specifications. There was discussion of interim driveway and retaining wall next to the road. Mr. Foley testified that a 60' x 60' asphalt area would also be installed by the garage area as a turnaround. Mr. Foley confirmed that no other physical changes are contemplated during Phase III. As part of the Full Build-Out, the interim road would be removed, a new permanent road would be constructed to Cloud Drive, and the existing retaining wall would be extended. All new construction would still be set back more than 200' feet (when the redevelopment plan called for 100'). There is no formal landscaping plan as part of the application.

An extensive discussion took place related to potential NJDEP concerns and whether the existing NJDEP permits were satisfactory. Applicant agreed to provide the existing NJDEP permits and confirm that they are still acceptable.

Nathaniel Simonton, a licensed electrician, also testified. He confirmed that some of the electrical fixtures on the residential side of the site had shields installed. However, Mr. Simonton testified that the issue is not that the light (lumens) projects toward the residential properties; the lumens do not extend to the property line. Instead, he stated that the residents observe the source of the light. As part of Phase III, two (2) pole lights will be installed on the south side and wall packs will be placed on the new structure at a height of approximately fifteen (15) feet. The wall packs illuminate walkways and provide site security. Mr. Simonton testified that there would be no changes to the substation as part of Phase III, but they would be required as part of the Full Build-Out.

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Niland to open the public portion of the meeting.

Five agreed to a roll call vote... 5-0

Mr. James Crocicco of 281 Winifred Drive expressed his concerns regarding water drainage and the possible noise levels. He was also concerned about the possibility of additional blasting.

Ms. Roseann Procetti of 281 Winifred Drive expressed her concerns regarding the Generator's noise and vibration.

Mr. Cuocolo of 37 Artillery Road expressed his concerns of the possibility of additional blasting. He also questioned the "Pull the Plug" test.

Mrs. Deborah D'Agostino of 70 Vreeland Ave expressed her objection to the application.

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Niland to close the public portion of the meeting.

Five agreed to a roll call vote... 5-0

Extensive Board discussion followed. Concerns were raised over the potential noise and lighting issues that could be caused by additional construction on the premises. The Board entertained the notion of voting separately on Phase III and Full Build-Out. Applicant's attorney stated that she had no objection.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to approve Phase III of the Final Site Plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. Provide current NJDEP permits to allow the Board to confirm they are still in effect.
2. Work w/ Planning Board's Engineer to confirm that NJDEP does not require any additional permits.
3. Provide maintenance logs (as required by NJDEP) to Board's engineer.
4. Applicant and Board's engineer to conduct walk-thru of swale and report back on conditions.
5. Applicant to perform post-construction noise study; and
6. Applicant to address Planning Board's Engineer concerns discussed in his December 12, 2024, letter.

Five agreed to a roll call vote... 5-0

Discussion then turned to portion the application seeking preliminary approval for the Full Build-Out. Board members expressed concern that this part of the project could result in additional noise, lighting, and other disturbances to the surrounding residents. Applicant's counsel reiterated that the current proposed construction complied with the redevelopment plan and previously approved use. After some back-and-forth, Applicant's counsel requested that the vote on the Full Build-Out be carried to the January 9, 2025, meeting to allow other members of the Board, who were not present, to listen to the transcript from the Hearing to vote on the application. The Board agreed and the remaining aspect of the application was adjourned to January 9 without need for additional notice.

As a result, a motion was offered by Vice Chairman Coiro and seconded by Commissioner Niland to carry the vote for the Preliminary Site Plan approval of the Full Build Out (Phase 4) to the next regular Planning Board Meeting of January 9, 2025, at 7:30p.m.

Five agreed to a roll call vote... 5-0

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to readmit Commissioner Sabatino into the remainder of the meeting.

Five agreed to a roll call vote... 5-0

**ITEM #5**

Jim Bush/State Farm Ins.  
294 Union Blvd.

Block 106 - Lot 6

Minor Site Plan Approval  
Certificate of Occupancy

Applicant did not appear.

A motion was offered by Commissioner Niland and seconded by Commissioner Murphy to carry this matter to the regular Planning Board meeting of January 23, 2025.

Six agreed to a roll call vote... 6-0

**RESOLUTIONS:**

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to approve the resolution for Passaic Bergen Animal Hospital, Block 141 – Lot 6 as prepared.

Six agreed to a roll call vote... 6-0

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to approve the resolution for Syree Aesthetics, Block 174 - Lot 14 as prepared.

Six agreed to a roll call vote... 6-0

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to approve the resolution for Amerita, Block 166.03 – Lot 12 as prepared.

Six agreed to a roll call vote... 6-0

**MINUTES:**

A motion was offered by Commissioner Murphy and seconded by Commissioner Niland to approve the Planning Board Minutes of November 14, 2024, as presented.

Six agreed to a roll call vote... 6-0

There being no other business, a motion was offered by Commissioner Murphy and seconded by Commissioner Niland to adjourn the meeting.

All in favor.....6-0

Respectfully submitted,

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Anthony Murphy, Secretary

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Patricia Paulson  
Board Clerk

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Date Approved